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PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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ATTORNEY OR
AUTHORIZATION
OF AGENT**

| | | |
|------------------------|---|--------------|
| Application Number | | |
| Filing Date | | |
| First Named Inventor | | Puon, et al. |
| Title | Network Router that Efficiently Switches Between a Primary Data Path and a Backup Data Path | |
| Group Art Unit | | |
| Examiner Name | | |
| Attorney Docket Number | | 710101 1260 |

I hereby appoint:

☒ Practitioners at Customer Number ☐ 24504
OR

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

OR

☐ Firm or
Individual Name

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State

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Country

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Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

Mr. Kevin W. Schneider, Chief Technology Officer, ADTRAN, Inc.

Signature

Kevin W. Schneider

Date

January 20, 2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner of Patents, Washington, DC 20231.

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| | | | |
|--|--------------------------|---|--|
| DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) | Attorney Docket Number | 710101-1260 | |
| | First Named Inventor | Puon, et al. | |
| | COMPLETE IF KNOWN | | |
| | Application Number | | |
| | Filing Date | | |
| | Group Art Unit | | |
| <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing | OR | <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required) | |
| | | Examiner Name | |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invent entitled:

NETWORK ROUTER THAT EFFICIENTLY SWITCHES BETWEEN A PRIMARY DATA
PATH AND A BACKUP DATA PATH

(Title of the Invention)

the specification of which

☒ is attached hereto
OR

☐ was filed on (MM/DD/YYYY) as United States Application Number or PCT International
Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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DECLARATION - Utility or Design Patent ApplicationDirect all correspondence to: ☒ Customer Number 24504 OR ☐ Correspondence address below
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Address

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State

Zip

Country

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

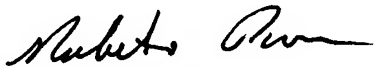
A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any])

Roberto

Family Name
or Surname

Puon

Inventor's
Signature1/19/2004
Date

Residence: City

Madison

State

AL

Country

US

Citizenship

Mexico

Mailing Address

319 Harvestwood Ct.

Mailing Address

319 Harvestwood Ct.

City

Madison

State

AL

Zip

35758-6637

Country

US

NAME OF SECOND INVENTOR:

A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any])

David

Family Name
or Surname

Perkinson

Inventor's
Signature1/19/04
Date

Residence: City

Madison

State

AL

Country

US

Citizenship

US

Mailing Address

105 Justice Way

Mailing Address

105 Justice Way

City

Madison

State

AL

Zip

35758

Country

US

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Puon, et al.

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled: Network Router that Efficiently Switches Between a Primary Data Path and a Backup Data Path

ADTRAN, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

January 20, 2004
Date

Kevin Schneider
Typed or printed name
[Signature]
Signature
Chief Technology Officer, ADTRAN, Inc.
Title

**ASSIGNMENT
OF UTILITY PATENT APPLICATION**

WHEREAS, the following parties:

| <u>Name</u> | <u>Address</u> |
|-----------------|--|
| Roberto Puon | 319 Harvestwood Ct., Madison, Alabama 35758-6637 |
| David Perkinson | 105 Justice Way, Madison, Alabama 35758 |

hereinafter referred to as ASSIGNOR, has/have invented certain new and useful improvements ("invention(s)") as described and set forth in the below-identified utility application for United States Letters Patent entitled:

**NETWORK ROUTER THAT EFFICIENTLY SWITCHES BETWEEN A PRIMARY
DATA PATH AND A BACKUP DATA PATH,**

which was:

- ☐ executed on even date herewith,
- ☒ filed with the United States Patent and Trademark Office (USPTO) on _____, and assigned Serial No. _____, and
- ☒ further described in U.S. Provisional application entitled System and Method for Backing Up a Data Path for a Network Router, filed with the USPTO on May 22, 2003, and assigned Serial No. 60/472,685.

WHEREAS, ADTRAN, Inc., having a place of business at 901 Explorer Blvd, Huntsville, Alabama, 35806, hereinafter referred to as ASSIGNEE, is desirous of acquiring ASSIGNOR'S interest in and to said invention(s), said utility application, said provisional application, and any U.S. and foreign patents which are related to the same.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ASSIGNOR, ASSIGNOR has sold, assigned and transferred and does hereby sell, assign and

transfer unto ASSIGNEE, and ASSIGNEE'S successors and assigns, (a) the entire right, title and interest, for the United States of America, in and to said invention(s), said utility application, and said provisional application and all the rights and privileges in any application and under any and all patents that may be granted in the U.S. for said inventions, including all corresponding provisional, continuation, continuation-in-part, divisional, reissue, and reexamination applications; and (b) the entire right, title and interest in and to said invention(s), said utility application, and said provisional application for all countries foreign to the U.S., including all rights of priority arising from them, and all the rights and privileges under any and all forms of protection, including patents, that may be granted in said countries foreign to the U.S. for them.

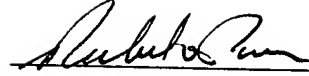
ASSIGNOR authorizes ASSIGNEE to make application for such protection in its own name and maintain such protection in any and all countries foreign to the U.S., and to invoke and claim for any application for patent or other form of protection for said inventions; without further authorization from ASSIGNOR, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

ASSIGNOR hereby consents that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of ASSIGNEE to apply for patent or other form of protection for said inventions, said utility application, or said provisional application and to claim the aforesaid benefit of the right of priority.

ASSIGNOR requests that any and all patents for said inventions be issued to ASSIGNEE in the U.S. and to ASSIGNEE in all countries foreign to the U.S., or to such nominee as ASSIGNEE may designate.

ASSIGNOR covenants and agrees that, when requested, ASSIGNOR shall, without charge to ASSIGNEE but at ASSIGNEE'S expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable, or convenient in connection with the patent applications, patents, or other forms of protection of said invention(s), and for the defense and protection thereof if challenged in the court of law.

ASSIGNOR authorizes ASSIGNEE or its agents to insert, on ASSIGNOR'S behalf, the filing date and/or serial number above pertaining to the utility application and/or the provisional application, if not known as of the date of execution of this document.


Roberto Puon

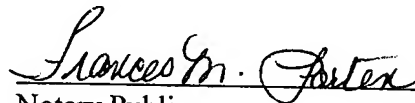
Date: Jan 19, 2004

United States of America

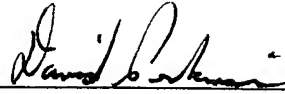
State of Alabama

County of Madison

On this 19th day of January, 2004, before me personally came **Roberto Puon** to me known to be the individual described above and who executed the foregoing instrument, or acknowledged execution of the same.


Notary Public

Notary Public, State of Alabama
My Commission Expires Oct. 25, 2005
My Commission Expires (Date)



David Perkinson

Date: Jan 19, 2004

United States of America

State of Alabama

County of Madison

On this 19th day of January, 2004, before me personally came **David Perkinson** to me known to be the individual described above and who executed the foregoing instrument, or acknowledged execution of the same.



Notary Public

Notary Public, State of Alabama
My Commission Expires Oct. 25, 2005

My Commission Expires (Date)